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BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001
POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

Dec 22 1 51 PM '00

Complaint on Sunday
and Holiday Collections

Docket No. C2001-1

MOTION OF THE UNITED STATES POSTAL SERVICE
FOR LEAVE TO REPLY TO
DOUGLAS F. CARLSON ANSWER IN OPPOSITION TO
POSTAL SERVICE MOTION TO DISMISS
(December 22, 2000)

The Complaint submitted by Douglas F. Carlson in this proceeding was received by the Commission on October 27, 2000. On November 27, 2000, the Postal Service filed its Answer and Motion to Dismiss ("Answer"). The Douglas F. Carlson Answer in Opposition to Postal Service Motion to Dismiss ("Opposition") was received by the Commission on December 14, 2000. The Postal Service hereby moves for leave to reply to the Opposition.¹

An opportunity to respond is necessary for several reasons. First, there is at least one material misstatement of fact in the Opposition, which goes to a core issue of the debate. Second, the complainant in his Opposition continues to assert an *erroneous standard for initiating a full-blown proceeding at his behest*. Incorrectly accepting such a standard could harm both the Postal Service and the Commission. In

¹ The Postal Service appreciates the fact that this motion is being filed at the height of the busy year-end holiday season, and is certainly not trying to gain any unfair advantage by that fact, or disrupt anyone's holiday plans. On that basis, the Postal Service notes that it will not oppose as untimely any pleadings responsive to this motion, in the event that such pleadings were to be delayed until after the holidays.

this instance, it could lead to an unnecessary expenditure of the administrative and litigation resources that would be consumed merely by further proceedings on the matters that Mr. Carlson is trying to raise. More generally, both the Postal Service and the Commission have a strong interest in applying the correct legal framework to the issue of whether a matter suitable for resolution in a section 3662 complaint has been presented. The approach advocated by the complainant would undermine the correct framework, and therefore poses the threat of any number of similarly inappropriate proceedings in the future.

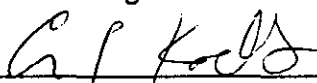
Wherefore, the Postal Service respectfully requests leave to file a reply to the Opposition. That reply is filed concurrently with this motion as a separate document.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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December 22, 2000

CERTIFICATE OF SERVICE

I hereby certify that, in accordance with section 12 of the Rules of Practice, I have this day served the foregoing document upon:

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